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Dated: December 21, 2009

Name of Person Certifying: /Guy Cumberbatch, Reg. No. 36,114/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re Application of: Huynh, et al.) Group Art Unit: 3738
Application No.: 10/802,314) Examiner: Brian E. Pellegrino
Filing Date: March 17, 2004) Confirmation No.: 3894
10 For: LOW-PROFILE HEART VALVE SEWING) **Customer Number: 30452**
RING AND METHOD OF USE)

Mail Stop APPEAL

15 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. §41.37

20 Dear Sir:

This is an appeal from the final rejections of claims 1-21 in the FINAL Office Action dated March 20, 2008. The Appeal Brief was timely filed on September 22, 2008.

This is responsive to a THIRD Notice of Non-Compliant Appeal Brief dated

25 **November 23, 2009.** The following corrects only those the subparts of 37 CFR §41.37(c)(1) that were deemed non-compliant, in particular 37 CFR §41.37(c)(1)(v) concerning a concise summary of the claimed subject matter with reference to the specification pages, and line numbers. Changes to the previous Supplemental Appeal Brief are indicated in *bold italics*

V.

30 **SUMMARY OF CLAIMED SUBJECT MATTER**

The application at issue discloses a sewing ring for prosthetic heart valves. The sewing ring is attached to a periphery of a stent and is configured to move between two stable positions, so as to be “bi-stable.”

35 Claim 1 provides a sewing ring *152 (Page 12, lines 22-25, Figures 11A-11C)* attached to a generally annular periphery of a prosthetic heart valve *150 (Figures 11A-11C)* with an inflow end (*down in Figures 11A-11C*) and an outflow end (*up in Figures 11A-11C*), the sewing ring being suture-permeable and configured to pivot between bi-stable positions, including a first

position extending generally toward the outflow end of the valve (*see Figure 11A*) to a second position extending generally toward the inflow end of the valve (*see Figure 11C*).

Further exemplary support for claim 1 can be found in Figures 11-13, and from page 12, line 22 to page 17, line 3 of the specification as filed. Structural variants and methods of use are shown in Figs. 14-17, as described from page 17, line 4 to page 19, line 11 of the specification as filed. Support for dependent claims 2-10 can be seen in Figs. 13-15, as described from page 12, line 22 to page 18, line 4 of the specification as filed.

Claim 11 provides a prosthetic heart valve **150** (*Figures 11A-11C*) having an inflow end (*down in Figures 11A-11C*) and an outflow end (*up in Figures 11A-11C*) and including a generally annular stent **154** (*Page 12, lines 22-25, Figures 11A-11C and 13A-13B*) and a suture-permeable sewing ring **152** (*Figures 11A-11C*) attached thereto. The sewing ring is configured to pivot between bi-stable positions, including a first position extending generally toward the outflow end of the valve (*see Figure 11A*) to a second position extending generally toward the inflow end of the valve (*see Figure 11C*).

Further exemplary support for claim 11 can be found in Figures 11-13, and from page 12, line 22 to page 17, line 3 of the specification as filed. Structural variants and methods of use are shown in Figs. 14-17, as described from page 17, line 4 to page 19, line 11 of the specification as filed. Support for dependent claims 12-21 can be seen in Figs. 13-15, as described from page 12, line 22 to page 18, line 4 of the specification as filed.

Respectfully submitted,

Date: December 21, 2009

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